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19
 20 **UNITED STATES DISTRICT COURT**
 21 **DISTRICT OF NEVADA**

22
 23 AXIS SPINE NV, LLC, a Nevada Limited) Case No.: 2:17-CV-02147-APG-VCF
 24 Liability Company,)
 25 Plaintiff,) **JOINT STIPULATION RE:**
 26 v.) **POSTPONEMENT OF STATUS**
 27 XTANT MEDICAL HOLDINGS, INC., a) **CONFERENCE**
 28 Delaware Corporation,)
 29 Defendant.)
 30

31 Plaintiff Axis Spine NV, LLC (“Axis”) and Defendant Xtant Medical Holdings, Inc.
 32 (“Xtant” and, together with “Axis,” the “Parties”) file this joint stipulation requesting that the
 33 status conference currently scheduled for January 16, 2019, be postponed by ninety days.

34 On July 25, 2018, the Court held a hearing to address Axis’s motion to extend discovery
 35 deadlines. At the time, Xtant’s motion to dismiss was fully briefed, and Xtant had further filed a
 36 motion for summary judgment.

37 The Court denied Axis’s motion and set a status conference on January 16, 2019, “just so
 38 we don’t . . . forget about things.” [ECF No. 52, at 14:16–17]. But the Court noted that it would

1 postpone the conference if Xtant's motion to dismiss were still pending: "I'm going to set the
2 status hearing for January 16th, and then if there's no decision by January 16th, if you file a stip to
3 move out the status hearing, you know, I'll grant it because the point is we're not going to do a
4 status hearing if the motion is still pending." [Id. at 14:10-14].

5 Consistent with the Court's instruction, the Parties jointly notify the Court that Xtant's
6 motion to dismiss and summary judgment motion remain undecided and request the hearing be
7 postponed by ninety days.

8 Dated: January 9, 2019

Respectfully Submitted,

9 LAW OFFICES OF P. STERLING KERR

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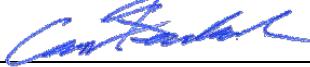
Attorneys for Defendant

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23 IT IS HEREBY ORDERED that the
status hearing scheduled for
24 January 16, 2019 is VACATED and
RESCHEDULED for 10:00 AM,
25 April 22, 2019, in Courtroom 3D.

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

26

Dated: 1-10-2019

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